

JUDGE BATTS

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BEST FOODS, INC.,

Plaintiff,

-against-

M/V "MAERSK GEORGIA", her engines,  
boilers, etc.,

-and against-

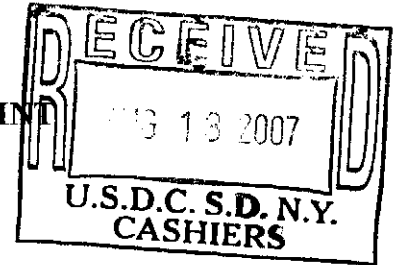
PEGASUS MARITIME, INC.,

Defendants.

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VERIFIED COMPLAINT

07 CIV.



1. This is a case of contract, cargo damage and non-delivery of cargo, civil and maritime and is an admiralty and maritime claim within the meaning of the Rule 9(h). Plaintiff invokes the maritime procedures specified in Rule 9(h).
2. Plaintiff, BEST FOODS, INC., is a legal entity organized under the law, with an office located at 75 Midvale Road, Edison, New Jersey 08817. Defendant, PEGASUS MARITIME, INC., is a legal entity organized under the law with an office located at 262 West 38<sup>th</sup> Street, Suite 403, New York, New York 10018.
3. During all times herein mentioned, defendant was the owner and/or operator of the M/V "MAERSK GEORGIA" and operated it in the common carriage of goods by water for hire between Karachi and New York.
4. The M/V "MAERSK GEORGIA", is now or during the pendency of this action will be, within this District.

5. On or about Pak Tejarat delivered a shipment of 1,890 bags food items (chana dal) to defendant, as a common carrier at the port of Karachi/Port Qasim, Pakistan in good condition, for transportation onboard the M/V "MAERSK GEORGIA" to New York, in consideration of an agreed freight and pursuant to the valid terms and conditions of a clean onboard bill of lading issued by defendant and the M/V "MAERSK GEORGIA".
6. Defendant caused said goods, still in good order and condition to be laden onboard the M/V "MAERSK GEORGIA". On or about September 8, 2006, the M/V "MAERSK GEORGIA" arrived at the port of New York and delivered said shipment in a short, slack and damaged condition.
7. Prior to September 8, 2006, plaintiff became for value the owner of said shipment and the owner and holder of said clean onboard bill of lading and brings this suit on its own behalf and that of all others interested in said judgment.
8. All conditions precedent required of plaintiff and of all others interested in said shipment have been performed.
9. By reason of the premises, plaintiff and those on whose behalf this suit is brought have sustained damages in the sum of \$60,000.00, as nearly as the same can now be estimated, no part of which has been paid although duly demanded.

**WHEREFORE**, plaintiff prays:

1. That the M/V "MAERSK GEORGIA" be arrested;
2. That process issue against defendant PEGASUS MARITIME, INC., and that defendant be cited to appear and answer the allegations of the Complaint;
3. That an interlocutory judgment be entered in favor of the plaintiff against the M/V "MAERSK GEORGIA", against defendants directing that the plaintiff recover its damages and that the M/V

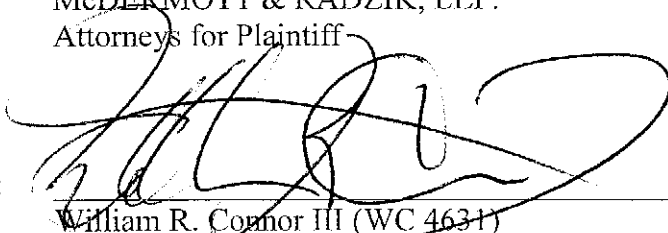
“MAERSK GEORGIA”, be condemned and sold and the proceeds of sale be applied to the payment to plaintiff of the sums found due it;

4. That the amount due plaintiff be computed by further proceedings before a Magistrate, pursuant to Rule 53(b) and/or by further proceedings before the Court, pursuant to Rule 42(b);
5. That final judgment against defendant and the M/V ‘MAERSK GEORGIA”, be entered in favor of the plaintiff for the amount found due plaintiff with interest and with costs; and
6. That plaintiff have such other and further relief as may be just.

Dated: New York, New York  
August 8, 2007

McDERMOTT & RADZIK, LLP.  
Attorneys for Plaintiff

By:



William R. Connor III (WC 4631)  
Wall Street Plaza  
88 Pine Street  
New York, New York 10005  
212-376-4600

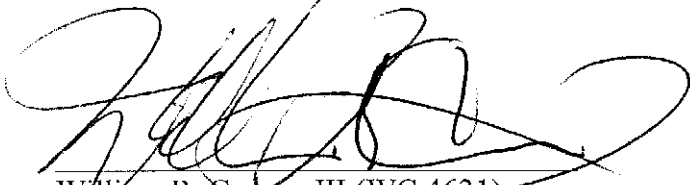
STATE OF NEW YORK     )  
                                      : S.S.  
COUNTY OF NEW YORK    )

WILLIAM R. CONNOR III, being duly sworn, deposes and says:

I am a member of the firm of McDermott & Radzik, LLP. attorneys for the Plaintiffs in this action.

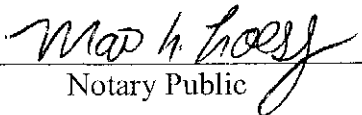
I have read the foregoing Verified Complaint, know the contents thereof, and the same is true to the best of my knowledge, information and belief.

The sources of my information and the grounds of my belief are documents in the possession of my firm.



William R. Connor III (WC 4631)

Sworn to before me this  
day of August, 2007



Notary Public

**MATTHEW T. LOESBERG**  
Notary Public, State of New York  
No. 02LO6051626  
Qualified in New York County  
Commission Expires 12-4-2010